

OLC 78-2002/3

22 June 1978

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MEMORANDUM FOR:

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General Law Division
Office of General Counsel

FROM:

Chief
Legislation Staff
Office of Legislative Counsel

SUBJECT:

Department of State Authorization Legislation

1. I have been working with Bernie Makowka on the Department of State Authorization legislation. The House bill, H.R. 12598, has already passed the House; the Senate counterpart, S. 3076, has been reported out by the Foreign Relations Committee but has not yet been scheduled for floor action. Bernie and I attended a meeting at OMB on 12 June; representatives from State and DOD also attended. Subsequent to the 12 June meeting, Bernie and I drafted proposed Administration views on the following provisions:

--amendments to the Role of the Ambassador legislation contained in the Senate bill;

--amendments to the Case/Zablocki Act contained in the Senate bill; and

--the so-called "Science and Technology" amendment in the House bill.

I have attached a copy of that material as transmitted to OMB.

2. OMB, based on our submission and, presumably, other responses, has prepared proposed Administration positions on provisions in S. 3076. (Since H.R. 12598 has already passed the House, the next opportunity for input will be at Conference; consequently, we need to develop our views on S. 3076 first. OMB is still working on developing a position on the Science and Technology amendment in the House bill, but they seem to be leaning in the direction of opposing it.) These are attached for your review. We have to get back to OMB by noon tomorrow because Director McIntyre will be meeting with Secretary Vance on Monday to make sure the State Department receives its proper marching orders in presenting the Administration's views to the Congress.

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3. The proposed position on the Role of the Ambassador legislation (section 119 of S. 3076) opposes the proposed amendment. Let me know if you think it is sufficient.

4. OMB has provided views on subsections 501(b) and 501(c), which relate to the Case/Zablocki Act. Subsection 501(a) of the bill would require the reporting of oral agreements reduced to writing to the Secretary of State. We oppose this provision and so indicated to OMB. OMB, however, apparently forgot to include a position on 501(a) in their material; Tracey Cole, at OMB, says that they probably will oppose it, based on our opposition, and will get something to me as soon as possible. I don't think we have any problem with the OMB proposed position on subsection 501(b). The proposed position on 501(c), however, deserves a closer look. Since it does not clearly oppose the provision but would change the requirement that the Secretary of State or the President approve international agreements and instead levy a requirement that such agreements be made in consultation with the Secretary or the President. In addition, note that subparagraph 501(c) (1) (B) allows for consultation as to a "class of agreements" and that this too may be done through the President rather than the Secretary of State. In the final analysis, in my view we probably could live with this. The question is do we want to fight it further or support OMB's proposal.

5. We can get together at your convenience tomorrow morning to go over this.

SIGNED

[Redacted Signature Box]

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Attachments

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